

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION**

DAD'S PRODUCTS COMPANY, INC.,)	
)	
Plaintiff,)	Civil Action No. 03-350
)	
v.)	
)	
SERGEANT'S PET CARE PRODUCTS,)	The Honorable Sean J. McLaughlin
INC.)	
)	
Defendant.)	

**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT PURSUANT TO
RULE 56 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Defendant Sergeant's Pet Care Products, Inc. ("SPCP"), by and through its undersigned counsel, files this Motion for Summary Judgment Pursuant to Rule 56 of the *Federal Rules of Civil Procedure*. For all of the reasons set forth fully in SPCP's Memorandum in Support of Motion for Summary Judgment Pursuant to Rule 56 of the *Federal Rules of Civil Procedure*, which is incorporated herein in full by reference, this Court should grant summary judgment in favor of SPCP on all of Plaintiff's claims against it.

Dated: September 26, 2005

Respectfully submitted,

By: /s/ David White, Esquire
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion for Summary Judgment Pursuant to Rule 56 of the *Federal Rules of Civil Procedure* has been served upon counsel of record this 26 day of September, 2005 by U.S. Mail, first class, postage prepaid, as follows:

Richard A. Lanzillo, Esq.
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/s/ David White, Esquire
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